

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LLOYD VIRGIL BARCLAY	:	CIVIL ACTION
	:	
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
et al.	:	NO. 11-478

ORDER

AND NOW, this 3rd day of November, 2011, upon careful and independent consideration of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Docket No. 3), as well as the various Motions filed by Petitioner, and after review of United States Magistrate M. Faith Angell's Report and Recommendation (Docket No. 21), to which Petitioner has filed no Objections, **IT IS HEREBY ORDERED** as follows:

1. The Report and Recommendation of Magistrate Judge Angell is **APPROVED** and **ADOPTED**.
2. Petitioner's Motion to Strike (Docket No. 13) is **DENIED**.
3. Petitioner's Motion for Entry of Default Judgment (Docket No.14) is **DENIED**.
4. Petitioner's Motion for Summary Judgment (Docket No. 16) is **DENIED**.
5. Petitioner's Motion to Compel (Docket No. 19) is **DENIED**.
6. The Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 is **DISMISSED WITHOUT PREJUDICE** based on Petitioner's failure to exhaust available state court remedies.
7. Because Petitioner has failed to make a substantial showing of the denial of a constitutional right or to demonstrate that a reasonable jurist would debate the correctness of this ruling, the Court declines to issue a certificate of appealability under 28 U.S.C. § 2253(c)(2).

8. The Clerk shall **CLOSE** this case statistically.

BY THE COURT:

/s/ John R. Padova, J.

John R. Padova, J.